

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:18-cr-00143-MR-WCM**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
SHANE MCKINLEY SWIMMER,)	
)	
Defendant.)	
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THIS MATTER is before the Court on the Government's Motion for Leave to File Under Seal [Doc. 51].

The Government moves the Court for leave to file under seal a doctor's note for Dr. Ashley Jenkins [Docs. 52, 52-1] filed in support of the Joint Motion to Continue [Doc. 50]. For grounds, counsel states that the doctor's note contains private medical information of Dr. Jenkins and such information is of marginal public interest at best. [Doc. 51].

Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives."

Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000). In the present case, the public has been provided with adequate notice and an opportunity to object to the Government's motion. The Government filed its motion on June 18, 2021, and such motion has been accessible to the public through the Court's electronic case filing system since that time. Further, the Government has demonstrated that the subject doctor's note contains sensitive information concerning Dr. Jenkins and that the public's right of access to such information is substantially outweighed by Dr. Jenkins' competing interest in protecting the details of such information. See United States v. Harris, 890 F.3d 480, 492 (4th Cir. 2018). Finally, having considered less drastic alternatives to sealing the document, the Court concludes that sealing of the doctor's note is necessary to protect Dr. Jenkins' privacy interests.

IT IS, THEREFORE, ORDERED that the Government's Motion for Leave to File Under Seal [Doc. 51] is **GRANTED**, and the doctor's note [Doc. 52, 52-1] submitted in support of the Joint Motion to Continue shall be filed under seal and shall remain under seal until further Order of the Court.

IT IS SO ORDERED.

Signed: June 18, 2021



Martin Reidinger
Chief United States District Judge

